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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,620	09/29/2000	Daniel Rodman Hicks	ROC920000200	9570

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EXAMINER	
SNYDER, DAVID A	
ART UNIT	**PAPER NUMBER**
2122	2

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)	
	09/675,620	HICKS, DANIEL RODMAN	
	Examin r	Art Unit	
	David A Snyder	2122	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: item 600A of Fig 6A; item 600B of Fig. 6B; items 840 and 850 of Fig. 8B; item 1230 of Fig. 12; items 1430, 1440, 1440-1, 1440-2, 1440-3 of Fig. 14; items 1510 and 1541 of Fig. 15; items 1636 and 1638 of Fig. 16B; and item 1724A of Fig. 17. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "tag 1511" (pg. 18, line 18); and "method 1600" (pg. 19, line 17). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1542" has been used to designate both "identification tag" and "various flags" of pg. 19, line 13. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The use of the trademark "Java" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7, 16, 22, 25, 26, and 28 are rejected under 35 U.S.C. 112, second paragraph, as using the trademarked term, "Java"™, and registered to Sun Microsystems. Use of the above trademarked term makes the claims dependent on a technology which only has a meaning as defined by Sun Microsystems. Therefore, the term is mutable and indefinite, and the claims encompassing the trademarked term is also indefinite. The claims should include generic terminology.

Claim Rejections - 35 USC § 102

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 – 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al. (USPN 5,805,899; hereafter referred to as Evans).

As per claims 1, 10, and 17, Evans teaches, "copying each of said external resolution items into said one compilation unit to form respective internal resolution items" (Evans, col. 2, ll. 8 – 11);

Evans also discloses, "compiling said subroutine . . . with a respective version" (Evans, col. 2, ll. 11 – 13).

As per claims 2, 11, and 18, as applied to claims 1, 10, and 17 above, Evans teaches, "version indicium comprises at least one of . . . a version control identifier" (Evans, col. 2, ll. 18 – 20).

As per claims 3, 12, and 19, , as applied to claims 1, 10, and 17 above, Evans discloses, "internal resolution items are compiled to produce in-line executable code" (Evans, col. 2, ll. 30 – 34).

As per claims 4, 13, and 20, as applied to claims 1, 10, and 17 above, Evans teaches, "external resolution items comprise items resolved within a second of said plurality of compilation modules" (Evans, col. 2, ll. 13 – 17).

As per claims 5, 14, and 21, as applied to claims 4, 13, and 20 above, Evans discloses, "items resolved within said second . . . modules comprise . . . items resolved within a third of . . . modules" (Evans, col. 14, ll. 16 – 21).

As per claims 6 and 15, as applied to claims 5 and 14 above, Evans teaches, "corresponding items resolved within said third of said plurality of compilation modules is executed" (Evans, col. 14, ll. 35 – 40).

As per claims 7 and 16, as applied to claims 1 and 10 above, Evans discloses, "external resolution items comprises . . . classes" (Evans, Fig. 2b, item 114)

As per claim 8, Evans discloses, "comparing . . . cloned and external entities" (Evans, col. 13, ll. 35 – 44).

As per claim 9, as applied to claim 8 above, Evans teaches, "version indicium comprises at least one of . . . a version control identifier" (Evans, col. 2, ll. 18 – 20).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 22 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans [in view of] Nally et al. (USPN 6,298,478; hereafter referred to as Nally).

As per claim 22, Graser does not expressly disclose the "resolving Java methods . . . outside said common compilation in the event of a version conflict." However, Nally does disclose the use of Java methods in an internal and external role if the versioning conflicts (Nally, col. 18, ll. 24 – 33). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the versioning of Graser would be extendable to the Java framework of Nally. One of ordinary skill in the art would have been motivated to do this in order to use the most up-to-date and current version of an object available on a system.

As per claim 23, as applied to claim 22 above, Evans teaches, "version indicium comprises at least one of . . . a version control identifier" (Evans, col. 2, ll. 18 – 20).

As per claim 24, as applied to claim 22 above, Evans discloses, "internal resolution items are compiled to produce in-line executable code" (Evans, col. 2, ll. 30 – 34).

As per claim 25, as applied to claim 22 above, Evans teaches, "an executing Java method is provided addressability to a runtime version of its entry in a container class method table" (Evans, col. 2, ll. 13 – 17).

As per claim 26, as applied to claim 23 above, Evans does not expressly disclose, "loading said clone class." However, Nally does disclose a loading of a clone class (Nally, col. 17, ll. 59 – 62). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the versioning system of Evans could be used in conjunction with the Java-based system of Nally. One of ordinary skill in the art would have been motivated to do this in order to speed execution of the total entity class.

Evans does not expressly teach, "modifying said loaded clone class to represent the respective clone and parent classes for said constant pool entry." However Nally does disclose the modification of a clone class to represent clone and parent classes (Nally, col. 18, ll. 7 – 14). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the versioning system of Evan when combined with the Java-based entity sessions of Nally would require the copying of current states. One of ordinary skill in the art would have been motivated to do this in order to maintain state and transactions across the different Java-based systems.

As per claim 27, as applied to claim 26 above, Evans does not expressly disclose the "overlaying a plurality of fields . . . to represent corresponding structures of said parent class." However, Nally does disclose a structure overlay from parent to clone (Nally, col. 18, ll. 7 – 14). Thus, at the time the invention was made, it would have been

obvious to a person of ordinary skill in the art that the versioning system of Evan when combined with the Java-based entity sessions of Nally would require the copying of current states. One of ordinary skill in the art would have been motivated to do this in order to maintain state and transactions across the different Java-based systems.

As per claim 28, as applied to claim 26 above, Evans does not expressly disclose, "extracting a corresponding constant pool entry pointer; resolving the constant pool entry to its class; and determining if the constant pool entry has been resolved to a clone class." However, Nally does disclose extracting a corresponding constant pool entry (Nally, col. 18, ll. 28 – 33), resolved to the pool entry (Nally, col. 18, ll. 7 – 14), and determining if it has been resolved to a clone class (Nally, col. 18, ll. 49 – 51). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the versioning system of Evans would be useful in the clone creation, resolution, and pool entry propagation of Nally. One of ordinary skill in the art would have been motivated to do this in order to maintain state and transactions across the different Java-based systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Snyder whose telephone number is (703) 305-7205. The examiner can normally be reached on Monday - Friday from 9am - 5pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg A Morse can be reached on (703) 308-4789. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

dAs
May 19, 2003

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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